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C O N F I D E N T I A L SECTION 01 OF 03 HARARE 000308

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AF/S FOR B. NEULING
SENIOR AFRICA DIRECTOR C. COURVILLE

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TAGS: [ASEC](#) [PGOV](#) [PREL](#) [ZI](#)
SUBJECT: EDUCATION BILL PASSES AS SCHOOLS CRY FOUL

REF: A. A HARARE 227

[1](#)B. REF B HARARE 187

Classified By: Ambassador Christopher Dell for reasons 1.5 b/d

Summary

[1](#)1. (C) The widely unpopular Education Bill passed Parliament on February 28, enhancing GOZ powers to interfere with the operations of private schools. In consultation with school groups, the GOZ amended many of the more objectionable provisions. However, according to Jameson Timba, the chairman of the private schools association, a last-minute amendment by Education Minister Aeneas Chigwedere that caps the fees that day students pay at boarding schools is unconstitutional and endangers all schools. Timba told us he plans to issue an ultimatum to President Mugabe who has yet to sign the bill; either remove the new provision or they will challenge the amendment in court. End Summary.

Parliament Approves Watered-Down Education Bill

[1](#)2. (SBU) An amended Education Bill passed Parliament last week and now awaits Mugabe's signature. The original Bill faced strong opposition, even from within ZANU-PF (ref B). It was heavily revised, with input from the private schools, after the Parliamentary Legal Committee (PLC) found parts to be unconstitutional. The revised legislation requires that all schools apply to the Education Ministry Permanent Secretary (PS) before raising fees but requires the PS to

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approve all hikes that do not exceed the increase in the official consumer price index (CPI) over the last school term. Schools can apply for rate increases in excess of the

inflation rate so long as the parents at the school agree, but in these cases the PS has the right to refuse.

13. (C) Jameson Timba, the chairman of the Association of Trust Schools, told poloff on March 8 that he had suggested linking tuition hikes to the CPI even though he was aware that the official rate of inflation was severely underreported. For the schools, the most important issue had been finding some way to increase their fees without government interference. In that regard, he noted that the original Bill had allowed the Ministry to unilaterally set fees for private schools. Timba said the government had made other concessions to the schools in the amended Bill, including provisions for the use of temporary teachers if a qualified instructor could not be found, the predominant use of local languages (not all three national languages) in early grades, and the abandonment of plans to create a nationwide school uniform.

But Late-Minute Amendment Sparks Outrage

14. (SBU) After the House of Assembly agreed to the revisions and the Bill was before the Senate, Education Minister Chigwedere inserted a last-minute amendment that would cap fees that day school students pay at boarding school at 30 or 40 percent of full boarding fees, depending on whether meals were provided or not. With virtually no debate, the upper house assented to the change. Called back to into session with only 66 of its 150 members present, the lower house approved the Senate's changes on February 28.

15. (C) Timba told poloff that this amendment defied economic logic and, if implemented, would force many schools to close.

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All schools had different cost structures, which made uniformity in fee formulations impractical. Boarding school fees for day students are typically about 50 percent of fees for boarders. In order to adhere to the 30 or 40 percent ratio, boarding schools would either have to significantly lower fees for day students) unlikely in Zimbabwe's hyperinflationary environment - or raise fees for boarders, which might run them afoul of the CPI-linked rate hike limit.

Timba suggested that Education PS Steven Mahare's personal interests had driven this provision. Mahare had once remarked to Timba that he resented paying more for his son's schooling where he was not provided a meal than for his daughter's schooling where she was.

16. (C) Timba, a lawyer by training, also said the wording of the amendment would be technically impossible for non-boarding schools to comply with. The provision that allowed them to increase fees also required them to abide by the new fee structure for boarding students. However, since they had no boarders, Timba contended, the day schools would be unable to set any fees. If this remained unchanged it might force many schools to close as a result and that made the last-minute amendment unconstitutional. (N.B. The constitution guarantees that no law will hinder the operations of private school.) The PLC) which reviews all bills to test their constitutionality) had approved the amendment. However, PLC member and MDC MP Innocent Gonese had admitted to Timba that the committee had made a mistake in its haste, which it unfortunately could not revoke.

Issuing Ultimatum to Mugabe

17. (C) Timba said the schools were determined to fight the bill. Outlining the school association's next step, he said he hoped to meet with Mugabe later this week to discuss the last-minute amendment. Timba planned to offer Mugabe two options: sign the Bill but require the Minister to suspend

the boarding fee provision, or send the Bill back to Parliament for revision.

¶8. (C) Timba was confident, based on past successful meetings with Mugabe, that he could once again appeal to the leader's own Catholic school upbringing to convince him to override his Education Minister. Timba also shared with poloff a letter he wrote to Justice Minister Patrick Chinamasa * who Timba said had helped revise the original Bill) asking the Minister to intervene on the school association's behalf. If Mugabe refused to overturn the amendment, Timba was prepared to take the issue to the High Court to test the clause's constitutionality.

Comment

¶9. (C) The massive sigh of relief breathed by parents after the more contentious provisions of the original Education Bill were withdrawn has been replaced by fresh concerns for their children's schooling. Once renowned for having some of Africa's best schools and highest literacy rates, ZANU-PF and Chigwedere in particular have single-handedly destroyed much of Zimbabwe's education system. Attacks on private schools and the universities (ref A) are rapidly eroding the human capital so vital to any post-Mugabe economic turnaround and which, once destroyed, will take years if not decades to replace. Moreover, the GOZ's constant assault on the education system remains a significant impetus for migration.

¶10. (C) Chigwedere and the regime's insistence on capping school fees is yet another demagogic play to the galleries of supposed mass opinion while ignoring economic realities and

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educating their own children abroad.
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